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| 10/517,712 | 12/10/2004 | Roberto Dalla Valle | 58009-019001 | 9144 |

7590 05/16/2008
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| EXAMINER |
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SAFAVI, MICHAEL

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| ART UNIT | PAPER NUMBER |
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3637

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05/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/517,712 | Applicant(s) DALLA VALLE, ROBERTO | |
| | Examiner M. Safavi | Art Unit 3637 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 12, 13, and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 21, 2008 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art process disclosed within the instant Background of the Invention in view of any of Baskin '030, Yukawa et al. '508, and United Kingdom reference 1,127,296, (UK '296).

As for **claims 10 and 18**, the instant Background of the Invention discloses as old and well known in the art the claimed invention, including vibration and vacuum pressing the panel, except for the process of separating the second layer of polyethylene-coated paper from the panel by lifting and removing the second layer of polyethylene-coated paper "substantially in a single piece".

However, each of Baskin '030, Yukawa et al. '508, and United Kingdom reference '296 teach application and utilization of a polyethylene sheet material forming a covering during a molding operation forming a stone material with subsequent removal of the polyethylene sheet. Each of Baskin '030 and Yukawa et al. '508 teach application to a resin stone-like material with subsequent removal substantially in a single piece while UK '296 describes use of a polyethylene coated paper in substantially a single piece, col. 4, line 61 of Baskin '030, col. 6, lines 55-67 of Yukawa et al. '508, and page 2, lines 46-48 of UK '296.

Therefore, to have formed the synthetic resin stone-like sheet described within the instant Background of the Invention as by applying the polyethylene coated paper sheet and subsequently removing the sheet in substantially a single piece, thus allowing for easy processing of the resulting artificial stone panel, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by any of Baskin '030, Yukawa et al. '508, and United Kingdom reference 1,127,296.

As for the recitation "polishing the panel to obtain an impermeable surface layer on the antique-look surface of the panel, the instant Background of the Invention discloses as old and well known the process of polishing an artificial stone material.

As for **claim 13**, the instant Background of the Invention discloses as old and well known the process of utilizing a polyethylene-coated paper sheet, which has been formed by coating the paper with sprayed polyethylene.

Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art process disclosed within the instant Background of the Invention in view of any of Baskin '030, Yukawa et al. '508, and United Kingdom reference 1,127,296, (UK '296), as applied to claims 10, 13, and 18 above, and further in view of any of Orsini '510, Rostoker '172, Sakai '458, and Hoesch '401 when considering either of Lemelson '905, and Ballhausen '474.

The process of forming a stone slab as realized by the instant Background of the Invention in view of any of Baskin '030, Yukawa et al. '508, and UK '296 does not particularly include a step of polishing the resulting stone as by grinding with titanium grinding wheels.

However, each of Orsini '510, Rostoker '172, Sakai '458, and Hoesch '401 teach polishing of a synthetic stone-like slab as by grinding an outer surface thereof, (col. 4, line 45 of Orsini '510, col. 2, lines 11-13 of Rostoker '172, col. 8, lines 16-25 of Sakai '458, and col. 3, lines 15-17 of Hoesch '401), while either of Lemelson '905 and Ballhausen '474 teach as old and well known utilization of titanium grinding wheels for polishing natural or artificial stone elements, (col. 3, lines 10-13 and 24-28 of Lemelson '905 and col. 1, line 18-30 and col. 2, lines 2-10 of Ballhausen '474).

Therefore, to have subsequently polished the resulting synthetic stone panel of the modified process of the instant Background of the Invention, thus achieving an aesthetically accurate and pleasing appearance to the stone slab, would have been obvious to one having ordinary skill in the art at the time the invention was made as

taught by any of Orsini '510, Rostoker '172, Sakai '458, and Hoesch '401 when further considering either of Lemelson '905, and Ballhausen '474.

As for **claim 15**, the instant Background of the Invention discloses as old and well known the process of utilizing a polyethylene-coated paper sheet, which has been formed by coating the paper with sprayed polyethylene.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art process disclosed within the instant Background of the Invention in view of any of Baskin '030, Yukawa et al. '508, and United Kingdom reference 1,127,296, (UK '296), as applied to claims 10, 11, and 13-15 above, and further in view of any of Hare '224, Reed et al. '335, and Rottger et al. '953.

Though the instant Background of the Invention discloses as old and well known the process of utilizing a polyethylene-coated paper sheet, which has been formed by coating the paper with sprayed polyethylene, each of Hare '224, Reed et al. '335, and Rottger et al. '953 teach application of polyethylene to a paper sheet as by spraying, (col. 3, lines 65-68 of Hare '224, col. 2, lines 16-20 of Reed et al. '335, and col. 1, line 67 to col. 2, line 6 of Rottger et al. '953).

Therefore, to have utilized a polyethylene-coated paper sheet, which has been formed by coating the paper with sprayed polyethylene, thus realizing any and all advantages of such a coated sheet, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by any of Hare '224, Reed et al. '335, and Rottger et al. '953.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art process disclosed within the instant Background of the Invention in view of any of Baskin '030, Yukawa et al. '508, and United Kingdom reference 1,127,296, (UK '296), and any of Orsini '510, Rostoker '172, Sakai '458, and Hoesch '401 and either of Lemelson '905, and Ballhausen '474 as applied to claims 12 and 15 above and further in view of any of Hare '224, Reed et al. '335, and Rottger et al. '953.

Though the instant Background of the Invention discloses as old and well known the process of utilizing a polyethylene-coated paper sheet, which has been formed by coating the paper with sprayed polyethylene, each of Hare '224, Reed et al. '335, and Rottger et al. '953 teach application of polyethylene to a paper sheet as by spraying, (col. 3, lines 65-68 of Hare '224, col. 2, lines 16-20 of Reed et al. '335, and col. 1, line 67 to col. 2, line 6 of Rottger et al. '953).

Therefore, to have utilized a polyethylene-coated paper sheet, which has been formed by coating the paper with sprayed polyethylene, thus realizing any and all advantages of such a coated sheet, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by any of Hare '224, Reed et al. '335, and Rottger et al. '953.

Claims 10, 13, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art process disclosed within the instant Background

of the Invention in view of any of Baskin '030, Yukawa et al. '508, and United Kingdom reference 1,127,296, (UK '296) and further in view of Edwardes '466.

As for **claims 10, 16, and 18**, the instant Background of the Invention discloses as old and well known in the art the claimed invention, including vibration and vacuum pressing the panel, except for the process of separating the second layer of polyethylene-coated paper from the panel by lifting and removing the second layer of polyethylene-coated paper "substantially in a single piece" to produce cracks or "micro-cracks".

However, each of Baskin '030, Yukawa et al. '508, and United Kingdom reference '296 teach application and utilization of a polyethylene sheet material forming a covering during a molding operation forming a stone material with subsequent removal of the polyethylene sheet. Each of Baskin '030 and Yukawa et al. '508 teach application to a resin stone-like material with subsequent removal substantially in a single piece while UK '296 describes use of a polyethylene coated paper in substantially a single piece, col. 4, line 61 of Baskin '030, col. 6, lines 55-67 of Yukawa et al. '508, and page 2, lines 46-48 of UK '296.

Further, Edwards et al. teaches formation of a simulated stone slab as by forming minute cracks and fissures and recesses in the slab utilizing a layer 12/13 that is separated from the resulting stone panel in a single piece, col. 3, lines 29-52.

Therefore, to have formed the synthetic resin stone-like sheet described within the instant Background of the Invention as by applying the polyethylene coated paper sheet and subsequently removing the sheet in substantially a single piece while forming

cracks or “micro-cracks”, thus allowing for easy processing of the resulting artificial stone panel, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by any of Baskin ‘030, Yukawa et al. ‘508, and United Kingdom reference 1,127,296 and further in view of Edwardes.

As for the recitation “polishing the panel to obtain an impermeable surface layer on the antique-look surface of the panel, the instant Background of the Invention discloses as old and well known the process of polishing an artificial stone material.

As for **claim 13**, the instant Background of the Invention discloses as old and well known the process of utilizing a polyethylene-coated paper sheet, which has been formed by coating the paper with sprayed polyethylene.

Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art process disclosed within the instant Background of the Invention in view of any of Baskin ‘030, Yukawa et al. ‘508, and United Kingdom reference 1,127,296, (UK ‘296) when considering Edwardes ‘466, as applied to claims 10, 13, and 16-20 above, and further in view of any of Orsini ‘510, Rostoker ‘172, Sakai ‘458, and Hoesch ‘401 when considering either of Lemelson ‘905, and Ballhausen ‘474.

The process of forming a stone slab as realized by the instant Background of the Invention in view of any of Baskin ‘030, Yukawa et al. ‘508, and UK ‘296 when considering Edwardes does not particularly include a step of polishing the resulting stone as by grinding with titanium grinding wheels.

However, each of Orsini '510, Rostoker '172, Sakai '458, and Hoesch '401 teach polishing of a synthetic stone-like slab as by grinding an outer surface thereof, (col. 4, line 45 of Orsini '510, col. 2, lines 11-13 of Rostoker '172, col. 8, lines 16-25 of Sakai '458, and col. 3, lines 15-17 of Hoesch '401), while either of Lemelson '905 and Ballhausen '474 teach as old and well known utilization of titanium grinding wheels for polishing natural or artificial stone elements, (col. 3, lines 10-13 and 24-28 of Lemelson '905 and col. 1, line 18-30 and col. 2, lines 2-10 of Ballhausen '474).

Therefore, to have subsequently polished the resulting synthetic stone panel of the modified process of the instant Background of the Invention, thus achieving an aesthetically accurate and pleasing appearance to the stone slab, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by any of Orsini '510, Rostoker '172, Sakai '458, and Hoesch '401 when further considering either of Lemelson '905, and Ballhausen '474.

As for **claim 15**, the instant Background of the Invention discloses as old and well known the process of utilizing a polyethylene-coated paper sheet, which has been formed by coating the paper with sprayed polyethylene.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art process disclosed within the instant Background of the Invention in view of any of Baskin '030, Yukawa et al. '508, and United Kingdom reference 1,127,296, (UK '296) when considering Edwardes '466, as applied to claims 10, 13,

and 16-20 above, and further in view of Hare '224, Reed et al. '335, and Rottger et al. '953.

Though the instant Background of the Invention discloses as old and well known the process of utilizing a polyethylene-coated paper sheet, which has been formed by coating the paper with sprayed polyethylene, each of Hare '224, Reed et al. '335, and Rottger et al. '953 teach application of polyethylene to a paper sheet as by spraying, (col. 3, lines 65-68 of Hare '224, col. 2, lines 16-20 of Reed et al. '335, and col. 1, line 67 to col. 2, line 6 of Rottger et al. '953).

Therefore, to have utilized a polyethylene-coated paper sheet, which has been formed by coating the paper with sprayed polyethylene, thus realizing any and all advantages of such a coated sheet, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by any of Hare '224, Reed et al. '335, and Rottger et al. '953.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art process disclosed within the instant Background of the Invention in view of any of Baskin '030, Yukawa et al. '508, and United Kingdom reference 1,127,296, (UK '296) when considering Edwardes '466, and any of Orsini '510, Rostoker '172, Sakai '458, and Hoesch '401 and either of Lemelson '905, and Ballhausen '474 as applied to claims 12 and 15 above and further in view of any of Hare '224, Reed et al. '335, and Rottger et al. '953.

Though the instant Background of the Invention discloses as old and well known the process of utilizing a polyethylene-coated paper sheet, which has been formed by coating the paper with sprayed polyethylene, each of Hare '224, Reed et al. '335, and Rottger et al. '953 teach application of polyethylene to a paper sheet as by spraying, (col. 3, lines 65-68 of Hare '224, col. 2, lines 16-20 of Reed et al. '335, and col. 1, line 67 to col. 2, line 6 of Rottger et al. '953).

Therefore, to have utilized a polyethylene-coated paper sheet, which has been formed by coating the paper with sprayed polyethylene, thus realizing any and all advantages of such a coated sheet, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by any of Hare '224, Reed et al. '335, and Rottger et al. '953.

Response to Arguments

Applicant's arguments filed February 21, 2008 have been fully considered but they are not persuasive. With regard to Applicant's argument that "[n]one of the cited references or the Background of the Invention teach or suggest a method of obtaining a surface with cracks and microcracks", The above rejections of claims 10 and 18 present a method of forming a slab of agglomerate stone including use of a polyethylene-coated sheet which is eventually removed from the formed slab "in substantially a single piece". Therefore, the resulting panel would possess the same characteristics minus any method steps that might impart any such distinct characteristics to the resulting panel.

As for Applicant's argument bridging pages 5 and 6 of the response, language found at lines 16-17 of claim 16 or lines 16-17 of claim 18 are directed to a desired result. With the above modifications reproducing the claimed method steps any recited desired result would be effected minus any method steps that might impart any such desired result.

Applicant's arguments to "vibration and vacuum pressing have been reviewed. However, the Background of the invention sets forth the procedural steps of vibration and vacuum pressing along with application of a polyethylene-coated paper when forming stone slabs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/M. Safavi/
Primary Examiner, Art Unit 3637

M. Safavi
May 10, 2008